

## DEFENSE SUBPOENA

(Criminal Rule 17)

RECEIVED FOR FILING  
05/24/2019 12:08:01  
NAILAH K. BYRD, CLERK

THE STATE OF OHIO

PRECIPE

DS 1284982

Cuyahoga County

Case Number: CR-19- 636461 -A

To the Sheriff of Cuyahoga County:

You are hereby commanded to summon:

CUYAHOGA COUNTY DEPARTMENT OF LAW  
2079 E. 9TH STREET  
CLEVELAND, OH 44115-0000JUDGE: PATRICIA COSGROVE  
ROOM: CH3BIN LIEU OF APPEARANCE, PLEASE PROVIDE THE MATERIALS IDENTIFIED IN THE ATTACHED DUCES TECUM.  
NOTE \*\*SEE DIFFERENT ATTACHMENTS ON ALL FOUR SUBPOENA'S.\*\*

Please Call Defense Attorney: ROGER M SYNENBERG at (216) 622-2727 BEFORE Appearing

TO THE WITNESS

YOU ARE HEREBY ordered to appear, under penalty of law, before the COURT OF COMMON PLEAS, held at the Courts Tower - Justice Center, Lakeside and Ontario Streets, in the City of Cleveland, within and for said County, on the 25th day of June, 2019, at 01:00 o'clock P.M., to testify to all and singular such matters and things which you may know in a certain action in court pending, and then and there to be determined, between the STATE OF OHIO, plaintiff, and EMILY MCNEELEY (defendant 14506372), on the part of the DEFENSE.

WITNESS, NAILAH K. BYRD, Clerk Court of Common  
Pleas and the seal of said Court, as Cleveland, Ohio, this  
29th day of May, A.D. 2019.

NAILAH K. BYRD, Clerk

by

## WITNESS CERTIFICATION

DATE	TIME	
	IN	OUT

The within named witness has been discharged and did appear on the following dates:

Before leaving the Courtroom, make sure the Prosecutor and/or Judge or Bailiff certifies the below form in order to correctly process your witness voucher. Take this completed certification to the Clerk's office - SECOND LEVEL.

PROSECUTOR, DEFENSE ATTORNEY AND/OR BAILIFF \_\_\_\_\_

DEPUTY CLERK \_\_\_\_\_ FILE DATE: \_\_\_\_\_

TO THE WITNESS: BRING THIS COPY OF THE SUBPOENA AND I.D. WITH YOU.

## NOTICE TO VICTIMS OF CRIME

If you are a Victim of a Violent Crime and have been injured, you may qualify for compensation under the Ohio Victims Of Crime Program. Call 1-800-824-8263 for further information or contact the Cuyahoga County Witness Victim Program at 443-7399.

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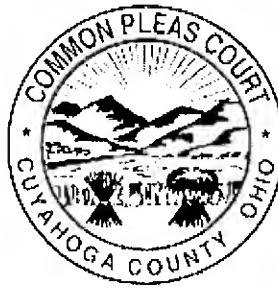
JUDGE: PATRICIA COSGROVE  
ROOM: CH3B

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WITNESS, NAILAH K. BYRD, Clerk Court of Common Pleas, and the seal of said Court, as Cleveland, Ohio, this 29th day of May, A.D. 2019.

NAILAH K. BYRD, Clerk

by

*Nailah K. Byrd*

**FOR SHERIFF'S USE ONLY**

**RETURN OF SUBPOENA:**

On \_\_\_\_\_, I \_\_\_\_\_ served the within named for him, them, at their usual place of business or residence, a true and certified copy thereof with all endorsements therein.

SHERIFF FEES			
Service and Returns .....	\$		
Miles Traveled .....	\$		CUYAHOGA COUNTY SHERIFF DEPT., Sheriff
Total .....	\$		
			Deputy Sheriff



## Common Pleas Court of Cuyahoga County, Ohio

Nailah K. Byrd, Clerk of Courts

NO 1284982

## Defense Subpoena Criminal Rule 17 Worksheet

Case information:Defendant: Emily McNeeleyCase number: CR-19-636461-AJudge: Patricia CosgroveCourtroom: To be determinedAttorney/Pro Se Party: Roger M. SynenbergBar number: 0032517Phone: 216-622-2727**FILED**

MAY 24 2019

Clerk of Courts  
Cuyahoga County, OhioTo summon:

First name: \_\_\_\_\_

Last name: \_\_\_\_\_

Address #1: \_\_\_\_\_

Address #2 (optional): \_\_\_\_\_

City/State/Zip: Cleveland, Ohio 44115 Attorney Service Sheriff Service Process Server OtherTo the witness:In lieu of appearance, please provide the materials identified in the attached *Duces Tecum*.Appearance:Date: 6/25/2019Time: 1:00 P.M.Forthwith:  Yes  No

In lieu of E-Filing, this form is provided as a courtesy to allow the Clerk's staff to input information to generate a subpoena. This form is not meant for service. Please deliver the completed form to the 2<sup>nd</sup> floor Justice Center Cuyahoga County Clerk of Courts, Criminal Division.

Per Ohio Criminal Rules of Procedure 17(D): A subpoena may be served by a sheriff, bailiff, coroner, clerk of court, constable, marshal, or a deputy of any, by a municipal or township policeman, by an attorney at law or by any person designated by order of the court who is not a party and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or by reading it to him in person or by leaving it at his usual place of residence, and by tendering to him upon demand the fees for one day's attendance and the mileage allowed by law. The person serving the subpoena shall file a return thereof with the clerk. If the witness being subpoenaed resides outside the county in which the court is located, the fees for one day's attendance and mileage shall be tendered without demand. The return may be forwarded through the postal service, or otherwise.

**Duces Tecum to Cuyahoga County**

Provide the following information:

1. The formal and informal opinions issued by the Inspector General's Office since March 1<sup>st</sup>, 2015.
2. The vendor registration records submitted on behalf of Ciber, Inc. to the Office of the Cuyahoga County Inspector General (hereinafter, "OIG").
3. The records related to the background investigation and due diligence performed by the OIG as it relates to the vendor registration of Ciber, Inc, including, but not limited to, records reviewed, searches performed, questions submitted to the vendor, etc.
4. The documentation related to the OIG's procedures for vendor registration including, but not limited to, procedures related to County staff verifying vendor's disclosures and background investigations performed by the OIG prior to 1/1/17, and any changes in the policies and procedures related to vendor registration and any due diligence performed by the OIG after 1/1/17 including the reasons for such changes.
5. The records produced to the Cuyahoga County Prosecutor's office pursuant to subpoenas issued by the Cuyahoga County Prosecutor's Office since January 1, 2018.
6. The files, documents, records, notes, calendar appointments, emails, research, text messages, recordings, investigation details, complaints, allegations, etc. related to any OIG investigation involving Emily Mcneeley.
7. The files, documents, records, notes, calendar appointments, emails, research, text messages, recordings, reports, complaints, allegations, etc. related to any Office of the Internal Auditor investigation involving Emily Mcneeley.

8. The names and email addresses of all Cuyahoga County employees with access to (cepocivil@prosecutor.cuyahogacounty.us) during the time period of August 2016 through the present.
9. The names and email addresses of all Cuyahoga County Prosecutor's Office employees with access to (cepocivil@prosecutor.cuyahogacounty.us) during the time period of August 2016 through the present.
10. The emails sent to and received by cepocivil@prosecutor.cuyahogacounty.us during the time period of August 2016 through the present.
11. The Contracts sent to cepocivil@prosecutor.cuyahogacounty.us during the time period of August 2016 through December 2017.
12. The documents provided in response to any Public Records Requests made by www.cleveland.com and/or *The Plain Dealer* requesting documents related to: 1) the Grand Jury subpoenas issued by the Cuyahoga County Prosecutor's Office since January 1, 2018 to Cuyahoga County, 2) Emily McNeeley, 3) Lisa McNeeley, and 4) Hyland Software.
13. The notes, writings, recordings or other documentation kept by Assistant Law Director Sarah Cammock of an October 20, 2016 meeting at Hyland Software.
14. The emails sent to or from a Cuyahoga County email address that ends in @cuyahogacounty.us that contains the word "Emily", "McNeeley, and/or "Emily McNeeley" in the body of the email or the subject line for the time beginning 9/1/17 through the present.
15. The OnBase history logs and transaction forms related to any Hyland Software transaction for the purchase of OnBase software, maintenance and/or services. This

includes the history logs for all documents attached to a transaction form as well as the history log for the transaction form itself.

16. The emails to or from any Plain Dealer or cleveland.com email address that contains the word "Emily", "McNeeley", "Emily Mcneeley", "Scot", "Rourke", and/or "Scot Rourke" in the body of the email or the subject line for the time period beginning 9/1/17 to the present.
17. The documents collected by the Cuyahoga County IT department that were provided to the Plain Dealer and/or cleveland.com.
18. The records related to any unclassified employee placed on administrative leave, paid or unpaid, for the past ten years. This should include, but is not limited to, any reports created analyzing county use of administrative leave, any findings from that analysis, emails regarding the analysis, correspondence sent to employees placed on leave, emails regarding the decision to place an employee on leave, all other records related to the leave which should identify the name of the employee, the length of leave, the start and end date of the leave, reason for the leave, the position/title of the employee placed on leave, the resolution of said leave including any settlement agreements, etc., and all documents reflecting the authority of the County to place an unclassified employee on unpaid administrative leave, and any Ohio Ethics Commission opinions requested by the County related to the use of unpaid administrative leave for unclassified employees.
19. All County policies that address the sharing of County information with County employees, and to non-County persons.

**\*Records should be provided in .pst format where applicable.**

Records may be delivered via fax, e-mail, or mail to the following:

Roger M. Synenberg, Esq.

Clare C. Moran, Esq.  
Matthew A. Kurz, Esq.  
Synenberg & Associates, LLC  
55 Public Square, Ste. 1331  
Cleveland, Ohio 44113  
Fax: 216-622-2707  
Email: [rsynenberg@aol.com](mailto:rsynenberg@aol.com); [cmoran@synenberg.com](mailto:cmoran@synenberg.com); [mkurz@synenberg.com](mailto:mkurz@synenberg.com)

If you have any questions, please contact Roger Synenberg, Clare Moran or Matthew Kurz at 216-622-2727.